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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,768	10/22/2003	Jacques Baudonnel	1759.140	5370
23405	7590	06/27/2005	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203			PIZIALI, ANDREW T	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,768

Applicant(s)

BAUDONNEL, JACQUES

Examiner

Andrew T. Piziali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 6,228,312 to Boyce.

Regarding claims 1-3 and 6-7, Boyce discloses a reinforcing tape that includes a ply of longitudinal glass yarns bound together by weft yarns which tape includes two thermoplastic films each placed on a respective different side of the ply of high-tenacity yarns (see entire document including column 4, lines 27-45, column 5, line 46 through column 6, line 3, and column 6, lines 64-66).

Regarding claims 2 and 6-7, Boyce discloses that the tape can be heated and calendered (column 6, lines 64-66), which would result in the thermoplastic films adhering to a respective side of the ply.

Regarding claim 3, Boyce discloses that the two thermoplastic films may be bonded together along the edges of the tape (column 7, lines 4-5).

Regarding claims 6-7, Boyce discloses that the longitudinal yarns may be bound together by at least partly thermoplastic weft yarns (column 4, lines 27-45).

Regarding claim 7, Boyce discloses that the thermoplastic material of the weft yarns and material of the films are similar (column 5, lines 46-67).

4. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 02/22354 to Dana.

Regarding claims 1-2 and 5-7, Dana discloses a reinforcing tape that includes a ply of longitudinal aramid, carbon or glass yarns bound together by weft yarns which tape includes two thermoplastic films each placed on a respective different side of the ply of high-tenacity yarns (see entire document including page 2, lines 32-35, page 6, lines 6-23, page 8, lines 28-30, page 17, lines 16-34 and Figures 2-3).

Regarding claims 2 and 6-7, Dana discloses that each thermoplastic film may be adhered to a respective side of the ply (page 17, lines 16-34).

Regarding claim 5, Dana discloses that a UV stabilizer (inhibitor or absorber) may be added to the thermoplastic films (page 18, lines 18-21).

Regarding claims 6-7, Dana discloses that the ply may comprise thermoplastic weft yarns (page 6, lines 6-27).

Regarding claim 7, Dana discloses the thermoplastic material of the weft yarns and material of the films may be similar (page 6, lines 6-27 and page 17, lines 32-37).

Claim Rejections - 35 USC § 103

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,228,312 to Boyce as applied to claims 1-3 and 6-7 above, and further in view of USPN 4,578,293 to Lusk.

Boyce does not specifically mention a UV blocking agent, but Lusk discloses that in the thermoplastic pipe and liner art a UV stabilizer is conventionally added to the thermoplastic to increase the service life of the article (see entire document including column 1, lines 6-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a UV stabilizer to the thermoplastic films of Boyce, because the UV stabilizer would increase the service life of the article.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,781,958 to Gilbert in view of USPN 5,014,755 to Bompard et al. (hereinafter referred to as Bompard).

Regarding claims 1 and 3, Gilbert discloses a reinforcing tape that includes a ply of reinforcement yarns which tape included two thermoplastic films each placed on a respective different side of the ply of reinforcement yarns (see entire document including column 2, lines 24-50 and column 4, lines 13-53).

Gilbert discloses that the reinforcement material may be any desired material that provides the desired tensile strength (column 4, lines 3-23), but Gilbert does not specifically mention a woven reinforcement material. Bompard discloses that it is known in the thermoplastic reinforced laminate art that a woven reinforcement material comprising carbon, glass, or aramid fibers may be used to form a reinforcement layer (see entire document including

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column 1, lines 50-61 and column 3, lines 1-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the reinforcement material from any suitable known reinforcement material and structure, such as a woven reinforcement material comprising glass, carbon or aramid fibers, as taught by Bompard, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability.

Regarding claim 3, Gilbert discloses that the two thermoplastic films are bonded together along the edges of the tape (column 2, lines 24-38).

7. Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,781,958 to Gilbert in view of USPN 5,014,755 to Bompard as applied to claims 1 and 3 above, and further in view of USPN 5,547,536 to Park.

Gilbert discloses that the thermoplastic films may be laid down by a number of processes (column 6, lines 9-27), but Gilbert does not specifically mention bonding the edges of the thermoplastic films such that each thermoplastic film adheres to a respective different side of the ply. Park discloses that two thermoplastic films may be adhered together by applying heat and pressure to both films (see entire document including Figures 1 and 3 and column 4, lines 10-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to adhere the thermoplastic films by any suitable method, such as by applying heat and pressure to both films, as taught by Park, because it is within the general skill of a worker in the art to select a known method on the basis of its suitability.

Regarding claim 6, Bompard discloses that the longitudinal yarns may be bound by at least partly thermoplastic weft yarns (see the paragraph bridging columns 4 and 5).

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Regarding claim 7, Gilbert discloses that similar materials may be used in the reinforcement fiber layer and the thermoplastic films (column 4, lines 13-53).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,781,958 to Gilbert in view of USPN 5,014,755 to Bompard as applied to claims 1 and 3 above, and further in view of USPN 3,830,067 to Osborn et al. (hereinafter referred to as Osborn).

Gilbert discloses that the thermoplastic films may be laid down by a number of processes (column 6, lines 9-27), but Gilbert does not specifically mention bonding the edges of the thermoplastic films such that the reinforcing material is capable of sliding inside the sheath formed by the thermoplastic films. Osborn discloses that edges of two thermoplastic films may be sealed by passing the edges between heated rollers or by using a suitable solvent that softens the edges to permit bonding (see entire document including column 5, lines 46-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to seal the edges by any suitable method, such as by passing the edges between heated rollers or by using a suitable solvent that softens the edges to permit bonding, as taught by Osborn, because it is within the general skill of a worker in the art to select a known method on the basis of its suitability.

Conclusion

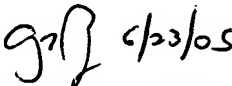
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

atp


ANDREW T. PIZIALI
PATENT EXAMINER